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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,192	02/19/2002	Gary Handwerker	8033-1014	7298
23644	7590	06/15/2005	EXAMINER	
BARNES & THORNBURG P.O. BOX 2786 CHICAGO, IL 60690-2786			LONEY, DONALD J	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 06/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,192

Applicant(s)

HANDWERKER, GARY

Examiner

Donald Loney

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-14,17-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-14,17-20 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Mar 23, 2005 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, said outer bottom layer is recited as "flat" and "non-insulative", however, in claim 1 the bottom outer is recited as "insulative" and containing "elements in spaced relation". This appears in direct contrast to the bottom layer being "flat" and "non-insulative". The examiner is not sure if claim 4 is drawn to another outer layer or not, and if the insulative layer of claim 1 is actually an outer layer. Clarification is kindly requested.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 7, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chavannes (3142599).

Chavannes teaches a top and bottom layer (96,97), a heat insulative bubble layer (95) located and sealed (100) there between and a heat reflective layer(s) (98,99) on the bottom outer layer (96) or top outer layer (97). Refer to figure 20 along with column 8, lines 40-48.

6. Claims 1, 4, 7, 8, 9, 10, 14, 15, 23, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Brockhaus (4535828).

Brockhaus teaches two bubble layers 43 contained between two outer layers 45. Figure 1 shows complete encapsulation of the bubble layers. A foil layer may be applied between the bubble layers and/or be applied to the skin layers. This would then read upon the embodiments of both the outer layers and/or the insulative bubble layer(s) having a reflective layer thereon. Refer to figures 1 and 2C along with column 2, lines 12-60, column 4, lines 44-47 and column 5 lines 23-48.

1. Claims 1, 2, 4, 6-12, 14, 15, 17-20 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Handwerker (5549956).

Handwerker teaches an insulation blanket with two inner bubble layers (16, 30) enveloped by two outer layers (12, 14) wherein a reflective layer(s) (18,32) is/are

located between (i.e., on both the outer and bubble layer) the bubble layers and outer layers. Refer to Fig. Nos. 4-6 along with the corresponding text to the numbers referred to above.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13, 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Brockhaus or Handwerker in view of Sheridan et al (5011743).

The primary reference teaches the invention substantially as recited except for the black heat absorbing layer on the top outer layer. See the 35 U.S.C. 102 rejection above.

Sheridan et al teaches that one can apply a black coating to desired sections of an enveloped heat insulating pad containing spaced interior elements in order to improve heat radiating characteristics of the pad. Refer to the Abstract and column 3, lines 17-44.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to provide a black layer thereon, as taught by Sheridan, in order to improve the heat radiating means thereof motivated by the fact that this layer would function the same as the applicants' dark layer.

4. Claims 1, 2, 4, 6, 14, 15, 19, 23, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chavannes.

The primary reference teaches the invention substantially as recited except for two bubble layers located between the outer layers. Chavannes only specifically shows one bubble layer between outer skin layers. See the 35 U.S.C. 102 rejection above. However, Chavannes does show a two layer bubble cushioning structure in figure 17 and 19. In column 8, lines 40-47 it is disclosed that the cushioning layers can be enclosed within a moisture and gas barrier.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Chavannes to enclose a two layer bubble cushioning structure with outer gas and moisture layers motivated by the fact Chavannes teaches a single layer used in said manner and shows that a two layer structure is also known. It would provide the same gas and moisture barriers to the two layer structure just as the single layer structure.

Response to Arguments

5. Applicant's arguments filed March 23, 2005 have been fully considered but they are not persuasive. The applicant argues that Handwerker fails to teach a sealed moisture impervious chamber formed by the outer layers. However, at column 3, lines 36-44 it is disclosed that the multiple layers can be heat sealed along their edges.

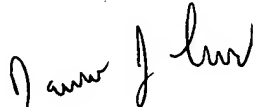
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-

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1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Donald Loney
Primary Examiner
Art. Unit 1772

DJL:D.Loney
06/10/05